



**State of New Mexico**  
**OFFICE OF THE STATE AUDITOR**

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## State Auditor Wayne Johnson: ‘Serious error’ by Tijeras Mayor resulted in \$47,000 overpayment of public funds

**Tijeras, NM** – State Auditor Wayne Johnson today released a special audit of \$64,423.65 of pension payment reimbursements to public employees by Village of Tijeras officials. The investigation found that the payments were improper and not calculated correctly. As a result of the Village error, employees will need to return \$47,350.94 overall. The overpayment amounts to nearly 3% of the Village’s entire yearly budget.

The Tijeras mayor and acting village clerk issued the checks in January 2018 after finding a previously passed resolution they interpreted as an indication the Village had withheld more than required for employees’ share of the public employee’s retirement fund. Though some former and current employees were owed a reimbursement, the individual calculations were done incorrectly. The Mayor herself was overpaid by \$6,745.91 and the Acting Clerk was overpaid by \$10,624.55.

“A government official can’t just write themselves and their friends a check for ten thousand dollars with no accountability or controls,” said Johnson. “The Village of Tijeras made some serious errors and lack the basic internal controls and processes that keep public monies safe. This audit should be used as a tool, not just for Tijeras, but for other small towns, to remember the basic fundamentals of good government.”

Johnson said the audit identified several shortcomings and areas where the Village can clearly improve so they can be responsible stewards for the residents of Tijeras.”

The audit revealed that some former employees are due reimbursement checks totaling \$71,957.99. The Village also failed to properly withhold payroll taxes from payments, which were taxable wages.

There were several other findings, including the governing board not exercising proper control over finances, improper travel reimbursements, and a misuse of the State Fire Marshal Fund.

Auditors say the findings indicate that the Village appears to have violated the state's Anti-Donation Clause, DFA Rule 95-1, and the Internal Revenue Code among others laws. Additionally, the Mayor and acting Village Clerk may have violated the criminal provisions of the Governmental Conduct Act contained in NMSA 1978 § 10-16-4.

In the course of its audit of the PERA refund checks issued on January 8, 2018, the OSA also discovered other issues which may have violated provisions of New Mexico law or Village ordinances, and which are noted as additional findings in this special audit.

The audit concludes that the Village's financial practices are significantly lacking in internal controls with policy and general oversight deficiencies which make the Village susceptible to fraud, waste and abuse.

"As citizens, we empower public officials at all levels to spend public money on our behalf," said Johnson. "We trust that they will act in our best interests, and do so competently, honorably, and responsibly. It's disappointing when public officials fall short of the trust we place in them. That's the entire reason for the existence of this office. I encourage New Mexicans to call our office if they have information about possible wrong-doing in local or state government."

Johnson says New Mexicans can call his office to report fraud, waste, or abuse by dialing 1-866-OSA-FRAUD or going to [www.osafraud.org](http://www.osafraud.org). You can speak with a representative anonymously 24 hours a day, 7 days a week.

Village leaders acknowledge the errors and shortcomings and outlined a plan to recoup the over-payments, provide intensive training to staff, and aggressively institute internal controls.

The audit findings have been referred to the New Mexico Attorney General's office for further investigation and action as deemed appropriate by that office.

The entire special audit can be seen here: [https://www.saonm.org/media/audits/6175\\_Village\\_of\\_Tijeras\\_Special\\_Audit\\_Report\\_January\\_1\\_2006\\_through\\_May\\_72018.pdf](https://www.saonm.org/media/audits/6175_Village_of_Tijeras_Special_Audit_Report_January_1_2006_through_May_72018.pdf)

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